

Appln. No. 10/719,241

Amendment dated April 25, 2005

Reply to Office Action mailed January 25, 2005

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1

Attachment: Replacement Sheet

Appln. No. 10/719,241
Amendment dated April 25, 2005
Reply to Office Action mailed January 25, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 10 and 12 through 16 remain in this application. Claims 11 and 17 have been cancelled. Claims 18 through 21 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

Paragraph 2 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 1 of the drawings as originally filed, reference number "20" and a corresponding lead line have been added. In regards to the reference numbers "6" and "8", the specification has been amended to remove any recitations of those reference numbers.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraphs 3 and 4 of the Office Action

Claims 1, 2 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Todd et al (5853289).

Appln. No. 10/719,241

Amendment dated April 25, 2005

Reply to Office Action mailed January 25, 2005

It is submitted that the Todd reference does not disclose, teach or suggest "an upper heat deflector assembly being positioned in said upper portion of said housing, said upper heat deflector assembly having a first portion positioned at an angle to said top wall, said upper heat deflector assembly having a second portion positioned at an angle to said top wall, said first and second portions facilitating heat flow away from said top wall and into said interior space". The Todd reference teaches a gas-supplied pipe heater that fails to teach an upper heat deflector assembly positioned in upper portion of the housing with a first and second portion each positioned at an angle to the top wall to direct heat flow into the interior space of the housing as claimed by the applicant. Therefore, it is submitted that the Todd reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 and 7 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 and 7 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1, 2 and 7 is therefore respectfully requested.

Paragraph 5 of the Office Action

Claims 1, 2 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hirayama (6,257,880).

It is submitted that the Hirayama reference does not disclose, teach or suggest "an upper heat deflector assembly being positioned in said upper portion of said housing, said upper heat deflector assembly having a first portion positioned at an angle to said top wall, said upper heat deflector assembly having a second portion positioned at an angle to said top wall, said first and second portions facilitating heat flow away from said top wall and into said interior space". The Hirayama reference teaches a heater box to bend pvc conduit that fails to teach an upper heat deflector assembly positioned in upper portion of the housing with a first and second portion

Appln. No. 10/719,241

Amendment dated April 25, 2005

Reply to Office Action mailed January 25, 2005

each positioned at an angle to the top wall to direct heat flow into the interior space of the housing as claimed by the applicant. Therefore, it is submitted that the Hirayama reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 and 7 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 and 7 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1, 2 and 7 is therefore respectfully requested.

Paragraphs 6 through 8 of the Office Action

Claims 3-6 and 8-10 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Todd et al (5,853,289) in view of Halverson, Jr. (6,033,213).

Claims 3-6 and 8-10 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hirayama (6,257,880) in view of Halverson, Jr. (6,033,213).

In regard to claim 1, it is submitted that the combination of Todd or Hirayama with Halverson, Jr. is not suggested by the prior art, and even if such a combination were to be made, one would not be led to the combination of features recited in applicants' claims. In particular, the references do not disclose, teach or suggest "an upper heat deflector assembly being positioned in said upper portion of said housing, said upper heat deflector assembly having a first portion positioned at an angle to said top wall, said upper heat deflector assembly having a second portion positioned at an angle to said top wall, said first and second portions facilitating heat flow away from said top wall and into said interior space". As discussed above, the Todd reference fails to teach an upper heat deflector assembly positioned in upper portion of the housing with a first and second portion each positioned at an angle to the top wall to direct heat flow into the interior space of the housing as claimed by the applicant. The

Appln. No. 10/719,241

Amendment dated April 25, 2005

Reply to Office Action mailed January 25, 2005

Halverson, Jr. reference teaches a heater for bending plastic pipe that fails to teach an upper heat deflector assembly positioned in upper portion of the housing with a first and second portion each positioned at an angle to the top wall to direct heat flow into the interior space of the housing as claimed by the applicant. Therefore, it is submitted that the combination of the Todd or Hirayama reference with the Halverson, Jr. reference would not lead one to the combination of features as claimed by the applicant.

Claims 3 through 6 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 3 through 6 are also believed to be allowable over the cited reference.

Claim 8, particularly as amended, requires "an upper heat deflector assembly, said upper heat deflector assembly having a first portion positioned adjacent a first side of said top aperture, said upper heat deflector assembly having a second portion positioned adjacent a second side of said top aperture, said first and second portions facilitating heat flow away from said top aperture into said interior space". These limitations have been taken from claim 11.

Examiner has indicated in paragraph 11 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 11 together with the base claim and any intervening claims. Therefore, claim 8, by virtue of its incorporation of the limitations of claim 11 and any intervening claims, is believed to be allowable.

Claims 9 and 10 are dependent upon claim 8, particularly as amended, and therefore incorporate the requirements of claim 8. Thus, claims 9 and 10 are also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claims 3-6 and 8-10 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 3-6 and 8-10 is therefore respectfully requested.

Appln. No. 10/719,241

Amendment dated April 25, 2005

Reply to Office Action mailed January 25, 2005

Paragraph 9 of the Office Action

Claim 13 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Todd et al (5,853,289) in view of Halverson, Jr. (6,033,213) as applied to claims 3-6 and 8-10 above, further in view of Johnson (6,561,797).

Claim 8, particularly as amended, requires "an upper heat deflector assembly, said upper heat deflector assembly having a first portion positioned adjacent a first side of said top aperture, said upper heat deflector assembly having a second portion positioned adjacent a second side of said top aperture, said first and second portions facilitating heat flow away from said top aperture into said interior space". These limitations have been taken from claim 11.

Examiner has indicated in paragraph 11 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 11 together with the base claim and any intervening claims. Therefore, claim 8, by virtue of its incorporation of the limitations of claim 11 and any intervening claims, is believed to be allowable.

Claim 13 is dependent upon claim 8, particularly as amended, and therefore incorporates the requirements of claim 8. Thus, claim 13 is also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claim 13 is therefore respectfully requested.

Paragraph 11 of the Office Action

Paragraph 11 of the Office Action states that claims 11, 12 and 14-16 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 11 (in its as-filed form) into the recitation of claim 8, and therefore claim 8 is believed to be in condition for allowance. Claims 9, 10 and 12 through 16, by virtue of their dependency from amended claim 8, are also submitted to

Appln. No. 10/719,241
Amendment dated April 25, 2005
Reply to Office Action mailed January 25, 2005

be in condition for allowance.

New Claims:


New claims 18 through 21 have been added to vary the scope of the claims and clarify the present invention. All limitations are supported by the original disclosure including the specification, drawings and original claims. Claim 18 incorporates portions of the limitations for the previously allowed, and now cancelled, claim 17 and is dependent on claim 8 which is believed to be in condition for allowance. Claim 19 incorporates the limitations for claims 8, 13 and allowable claim 16 and is believed to be in condition for allowance. Claims 20 and 21 incorporate the limitations of claims 14 and 15, respectively, and are dependent on claim 19. Therefore, no new matter has been added. The new claims are believed to be allowable.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.

By  Date: _____
Robert K. Huck (Reg. No. 45,761)
LEONARD & PROEHL, Prof. L.L.C.
Customer Number 40158
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)339-2028 FAX (605)336-1931